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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,923	02/18/2004	Barry Reginald Hobson	71386-0011	9692
20915	7590	09/21/2005		
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			EXAMINER JONES, JUDSON	
			ART UNIT 2834	PAPER NUMBER

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/781,923

Applicant(s)

HOBSON ET AL.

Examiner

Judson H. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 11 is/are rejected.
- 7) ☒ Claim(s) 4-10 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/106,274.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 12 is objected to because of the following informalities: the claim depends on itself. For the purpose of examination, claim 12 has been treated as if it depends on claim 11 because only claim 11 provides antecedent basis for the self-centering system recited in claim 12. Appropriate correction is required.

### ***Claim Interpretation***

The device is claimed as being an oscillatory machine. Applicant's specification page 6 paragraph 68 states, "While the description of the preferred embodiments mainly describes the disc 14 as moving in an orbit, depending on the capabilities of the controller for the supply, i.e. the ability to vary phase relationships and amplitudes of the supply current, the disc 14 can produce any shaped motion within the boundaries of its maximum orbit diameter." This means that depending on the commands for the controller the device may produce oscillating or reciprocating motion or even non-repetitive linear motion. The phrase "oscillatory machine" is therefore viewed to mean a machine capable of oscillatory motion.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent

Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Jacobs 5,126,648.

Jacobs discloses a machine capable of oscillatory motion having a load carrying surface on

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element 22 in figure 2a with at least two electrically conductive paths 11, 11' as shown in figure 2b and as described in column 5 lines 24 ½ to 29 ½ and column 6 lines 17-21 and a bearing support system as described in column 37 ½ to 45 ½.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs in view of Inagaki et al. 5,836,080. Jacobs discloses the oscillatory device with the bearings but does not disclose at the number of ball roller assemblies used. Inagaki et al. teaches at least three ball groups in column 1 lines 19-24. Since Inagaki et al. and Jacobs are from the same field of endeavor it would have been obvious at the time the invention was made for one of ordinary skill in the art to have utilized at least three ball groups in order to keep the supported plate from tipping.

In regard to claim 3, see Inagaki et al. figure 2A.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs in view of Korenaga et al. 6,037,680. Jacobs discloses the oscillatory device but does not disclose having the device return to a known position when the power is turned off. Korenaga et al. teaches a control system where the device returns to a initial state in column 11 lines 16-17. Since Korenaga et al. and Jacobs are from the same field of endeavor it would have been obvious at the time the invention was made for one of ordinary skill in the art to have utilized an initial position

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for the device in order to simplify the control system. With an initialing control system, there is no need for the device to determine the location of the device each time the power is turned on.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judson H. Jones whose telephone number is 571-272-2025. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Judson H. Jones 9/16/2005



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